

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:04CV317-H**

**PREMIER DRIVING SCHOOL, INC., )  
DAVID MOORE, JR., AND HARRILL )  
JONES, )**

**Plaintiffs, )**

**vs. )**

**ORDER OF DISMISSAL**

**FRED ROBINSON, SCOTT RIVERS, )  
AND THE NORTH CAROLINA )  
DEPARTMENT OF )  
TRANSPORTATION, DIVISION OF )  
MOTOR VEHICLES, )**

**Defendants. )**

**THIS MATTER** is before the Court on the Plaintiff's "Notice of Voluntary Dismissal Without Prejudice" (document #31) filed January 18, 2006, which the Court is treating as a Motion for Voluntary Dismissal Without Prejudice. Defense counsel has informed chambers' staff telephonically that the Defendants consent to the Court granting the re-characterized Motion.

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. The Plaintiff's "Notice [and Motion] of Voluntary Dismissal Without Prejudice" (document #18) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.
2. The Clerk is directed to send copies of this Order to the counsel for the parties.

**SO ORDERED, ADJUDGED AND DECREED.**

Signed: February 27, 2006

*Carl Horn, III*

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Carl Horn, III  
United States Magistrate Judge

